

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Cutis Lamon Caradine,

Civil No. 15-cv-2284 (ADM/TNL)

Petitioner,

v.

ORDER

State of Minnesota,

Respondent.

Curtis Lamon Caradine, #218775, MCF – Faribault, 1101 Linden Lane, Faribault, MN 55021
(*pro se* Petitioner);

James P. Spencer, Olmsted County Attorney, 151 Fourth Street SE, Rochester, MN 55904;
James B. Early and Matthew Frank, Minnesota Attorney General's Office, 445 Minnesota Street,
Suite 1800, St. Paul, MN 55101 (for Respondent).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated January 25, 2016 (ECF No. 14), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Respondent's Motion to Dismiss, (ECF No. 10), is **GRANTED**;
2. Petitioner's Motion for Reversal of Conviction, (ECF No. 3), is **DENIED**;
3. The Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, (ECF No. 1), is **DISMISSED WITH PREJUDICE**; and
4. Petitioner should **NOT** be granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: February 16, 2016

s/Ann D. Montgomery
The Honorable Ann D. Montgomery
United States District Court Judge
for the District of Minnesota